


UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

KIM SMITH, : CIVIL ACTION NO. 1:01-0817
Plaintiff : (CALDWELL, J.)
v. : (MANNION, M.J.)
JAMES MORGAN, et al., :
Defendants :

FILED
WILKES BARRE

DEC - 6 2001

MARY E D'ANDREA, CLERK
Per  DEPUTY CLERK

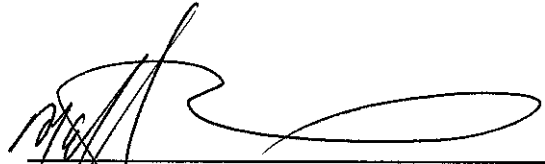
O R D E R

On November 30, 2001, the plaintiff filed a motion for a temporary restraining order, in which he claims that the defendants are denying him access to the courts by refusing to mail certain of his legal documents. (Doc. No. 39). Upon review, there is no indication that the plaintiff has served this motion upon the defendants in accordance with Rule 5 of the Federal Rules of Civil Procedure.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- (1) the plaintiff is to serve his motion for a temporary restraining order filed on November 30, 2001, (Doc. No. 39), upon all of the defendants;
- (2) the plaintiff is to file with the court a certificate of service which indicates the date on which service of the motion was made upon the defendants; and
- (3) the defendants are to file a response to the plaintiff's motion for a temporary restraining order

within fifteen (15) days of the date of service of the motion.

A handwritten signature in black ink, appearing to read 'Malachy E. Mannion', is written over a horizontal line.

MALACHY E. MANNION
United States Magistrate Judge

Date: December 6, 2001

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

December 6, 2001

Re: 1:01-cv-00817 Smith v. Weaver

True and correct copies of the attached were mailed by the clerk
to the following:

Kim Smith
SCI-COAL
CT-2162
SCI Coal Township
1 Kelley Drive
Coal Township, PA 17866-1020

John J. Talaber, Esq.
PA Dept. of Corrections
55 Utley Dr.
Camp Hill, PA 17011

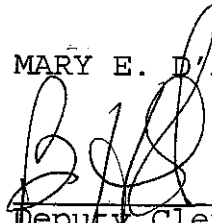
James D. Young, Esq.
Lavery & Associates, P.C.
301 Market Street
P.O. Box 1245
Suite 800
Harrisburg, PA 17108-1245

cc:

Judge	()	() Pro Se Law Clerk
Magistrate Judge	()	() INS
U.S. Marshal	()	() Jury Clerk
Probation	()	
U.S. Attorney	()	
Atty. for Deft.	()	
Defendant	()	
Warden	()	
Bureau of Prisons	()	
Ct Reporter	()	
Ctroom Deputy	()	
Orig-Security	()	
Federal Public Defender	()	
Summons Issued	()	with N/C attached to complt. and served by: U.S. Marshal () Pltf's Attorney ()
Standard Order 93-5	()	
Order to Show Cause	()	with Petition attached & mailed certified mail

to: US Atty Gen () PA Atty Gen ()
DA of County () Respondents ()
Bankruptcy Court ()
Other _____ ()

DATE: 12-6-01

MARY E. D'ANDREA, Clerk
BY: 
Deputy Clerk